

CIVIL COVER SHEET

APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFF ALICIA HERNANDEZ

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) Cary L. Flitter, Esq. and Theodore E. Lorenz, Esq., Lundy, Flitter, Beldecos & Berger, P.C., 450 N. Narberth Avenue, Narberth, PA 19072, (610) 822-0770

DEFENDANT S LAMBOY FURNITURE, INC. and
LAMBOY HOUSING DEVELOPMENT CO. and
NATIONAL TENANT NETWORK and CANDELARIO
LAMBOY

County of Residence of First Listed Defendant Unknown
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | |
|--|--|----------------------------|----------------------------|
| PTF | DEF | PTF | DEF |
| Citizen of This State <input type="checkbox"/> 1 | <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State <input type="checkbox"/> 2 | <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 | <input type="checkbox"/> 3 Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened
- Transferred from another district (specify) ☐ 5 ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 1681

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint
JURY DEMAND: ☒ Yes ☐ No.

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

1/17/07

[Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

APPENDIX I

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

ALICIA HERNANDEZ	:	
	:	
V.	:	CIVIL ACTION
	:	
LAMBOY FURNITURE, INC. and	:	
LAMBOY HOUSING	:	
DEVELOPMENT CO. and	:	NO.
NATIONAL TENANT NETWORK	:	
and CANDELARIO LAMBOY	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

1/17/07
Date


Attorney at Law

PLAINTIFF
Attorney for

610-668-0011
Telephone
(Civ.660) 10/02

610-667-0552
Fax Number

LORENZ@LFBB.COM
E-Mail Address

UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2046 N. Howard Street, Philadelphia, PA 19133

Address of Defendants: 2846 N. 5th Street, Philadelphia, PA 19133 and 188 Freis Mill Road, Blackwood, NJ 08012

Place of Accident, Incident or Transaction: 2046 N. Howard Street, Philadelphia, PA 19133

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) 15 U.S.C. §1681

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability (Asbestos)
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Theodor Loren, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought

DATE: 1/17/07

T. Loren
Attorney-at-Law

67795
Attorney I.D.

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/17/07
CIV.609 (4/03)

T. Loren
Attorney-at-Law

67795
Attorney I.D.

c:\files\hernandez-lamboy\pleadings\Hernandez Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALICIA HERNANDEZ
2046 N. Howard Street
Philadelphia, PA 19133

Plaintiff

vs.

LAMBOY FURNITURE, INC.
2846 N. 5th Street
Philadelphia, PA 19133
And

LAMBOY HOUSING DEVELOPMENT CO.
2846 N. 5th Street
Philadelphia, PA 19133
And

NATIONAL TENANT NETWORK
188 Freis Mill Road
Blackwood, NJ 08012
And

CANDELARIO LAMBOY
c/o Lamboy Furniture, Inc.
2846 N. 5th Street
Philadelphia, PA 19133

Defendants

NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, et seq. Defendants accessed plaintiff's confidential consumer credit report in order to facilitate an invasion of privacy and identity theft.

2. The FCRA only permits access to consumer reports for specific purposes

enumerated under the FCRA. 15 U.S.C. §1681b. Defendants did not have any permissible purpose to access plaintiff's consumer credit report.

3. Any person or entity who willfully and/or negligently violates the FCRA is subject to liability. 15 U.S.C. §1681n and §1681m.

II. JURISDICTION

4. Jurisdiction arises under the FCRA, 15 U.S.C. §1681p, and 28 U.S.C. §1337.

III. PARTIES

5. Plaintiff is Alicia Hernandez who resides in Philadelphia, Pennsylvania at the address captioned.

6. Defendant Lamboy Furniture, Inc. is a Pennsylvania corporation with a business address as captioned.

7. Defendant Lamboy Housing Development Co. is a Pennsylvania corporation with a business address as captioned.

8. Defendant Candelino Lamboy is the owner of Lamboy Furniture, Inc. and of Lamboy Housing Development Co. with an address as captioned. Lamboy Furniture, Inc., Lamboy Housing Development Co, and Candelario Lamboy are collectively referred to as "Lamboy".

9. Defendant National Tenant Network ("NTN") is a New Jersey corporation which regularly does business in Pennsylvania and has a service address as captioned.

10. NTN regularly engages in the business of assembling, evaluating, and disbursing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. §1681a(d), to third parties, for monetary compensation.

11. NTN is a "consumer reporting agency" as defined in 15 U.S.C. §1681a(f).

IV. STATEMENT OF CLAIM

12. In 2005, plaintiff leased residential property to an individual named Jose Diaz (“Diaz”), who occupied the same as a tenant. The property was located at 4740 N. Mascher Street, Philadelphia, PA (The “property”).

13. Diaz was subsequently evicted from the property on or about August 24, 2006.

14. Plaintiff, while cleaning and readying the property to be relet, found in the debris Diaz left at plaintiff’s property, one or more consumer credit reports of her. These credit reports had been obtained by NTN at Lamboy’s request.

15. The consumer reports provided by NTN to Lamboy consists of a tenant performance profile of plaintiff Hernandez and includes sensitive personal and private information, such as her social security number, a credit history profile, employer information, home address information and the like.

16. Plaintiff never sought to lease any property from Lamboy.

17. Plaintiff never gave Lamboy permission or consent to obtain a consumer report, nor did Lamboy have any permissible purpose to secure plaintiff’s credit report.

18. Plaintiff never gave NTN permission or consent to provide Lamboy or others a consumer report about her.

19. Plaintiff never gave Diaz or any defendant permission or consent to obtain a consumer report.

20. Diaz, upset about being evicted, has sought retribution against plaintiff Hernandez. Diaz has stalked Hernandez and threatened her.

21. Lamboy and NTN intentionally or negligently aided Diaz in his activities against plaintiff.

22. Lamboy provided a phony reason to obtain plaintiff's credit report for impermissible and unlawful purposes.

23. Lamboy and NTN provided Diaz with a consumer report on plaintiff so that Diaz could stalk, harass and harm her.

24. None of the defendants had a permissible purpose or reason to obtain a consumer report about plaintiff.

25. Pursuant to 15 U.S.C. §1681b, a consumer report can only be provided for the specific purposes stated thereunder, including for use in connection with a credit transaction or for employment purposes.

26. None of the defendants had a permissible purpose under 15 U.S.C. §1681b to request or supply a consumer report relating to plaintiff.

27. As a result of each defendant's willful, wanton, reckless, and/or negligent action, plaintiff has been damaged.

28. Plaintiff's privacy has been invaded as a result of the willful, wanton, reckless and/or negligent conduct of defendants.

29. Plaintiff has suffered mental and emotional distress, worry, humiliation, and embarrassment as a result of defendants' actions.

30. Plaintiff's credit profile and history has been adversely effected as a result of defendants' actions.

COUNT I - FAIR CREDIT REPORTING ACT
(V. LAMBOY FURNITURE, INC. AND LAMBOY DEVELOPMENT CO)

31. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

32. Lamboy Furniture, Inc. and Lamboy Development Co. have jointly and/or severally violated the Fair Credit Reporting Act by willfully and/or negligently failing to comply with the requirements imposed under 15 U.S.C. §1681b, for obtaining or providing a consumer report, including obtaining a consumer report under false pretenses.

33. Lamboy Furniture, Inc. and Lamboy Development Co. have jointly and/or severally violated the Fair Credit Reporting Act by willfully and/or negligently reporting or obtaining credit information about plaintiff. 15 U.S.C. §1681n and §1681o.

WHEREFORE, Plaintiff, Alicia Hernandez demands judgment against Lamboy Furniture, Inc. and Lamboy Development Co, jointly and/or severally, for:

- (a) Actual and compensatory damages;
- (b) Punitive damages;
- (c) Attorney's fees and costs; and
- (d) Such other and further relief as the Court shall deem just and proper.

COUNT II - FAIR CREDIT REPORTING ACT
(V. CANDELARIO LAMBOY)

34. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

35. Candelario Lamboy has willfully and/or negligently failed to comply with the requirements imposed under 15 U.S.C. §1681b, for obtaining or providing a consumer report, including obtaining a report under false pretenses.

36. Candelario Lamboy has violated the Fair Credit Reporting Act by willfully and/or negligently reporting or obtaining credit information about plaintiff. 15 U.S.C. §1681n and §1681o.

WHEREFORE, Plaintiff, Alicia Hernandez demands judgment against Candelario Lamboy for:

- (a) Actual and compensatory damages;
- (b) Punitive damages;
- (c) Attorney's fees and costs; and
- (d) Such other and further relief as the Court shall deem just and proper.

COUNT III - FAIR CREDIT REPORTING ACT
(V. NATIONAL TENANT NETWORK)

37. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

38. NTN has violated the Fair Credit Reporting Act by willfully and/or negligently failing to comply with the requirements imposed under 15 U.S.C. §1681b, for obtaining or providing a consumer report.

39. NTN has violated the Fair Credit Reporting Act by willfully and/or negligently reporting or obtaining credit information about plaintiff. 15 U.S.C. §1681n and §1681o.

WHEREFORE, Plaintiff, Alicia Hernandez demands judgment against defendant National Tenant Network for:

- (a) Actual and compensatory damages;
- (b) Punitive damages;
- (c) Attorney's fees and costs; and
- (d) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 01/16/07

/s/ Cary L. Flitter (CLF5997)
CARY L. FLITTER
THEODORE E. LORENZ
Attorneys for Plaintiff
LUNDY, FLITTER,
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